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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,129	06/30/2000	Evan F. Wies	IMM1P104	2148
34300	7590	11/28/2005		
PATENT DEPARTMENT (51851) KILPATRICK STOCKTON LLP 1001 WEST FOURTH STREET WINSTON-SALEM, NC 27101			EXAMINER VU, THONG H	
			ART UNIT 2142	PAPER NUMBER

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/608,129

Applicant(s)

WIES ET AL.

Examiner

Thong H. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 46-84 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 46-84 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Amended claims 46-72 and new claims 73-84 are pending. The Final action is appropriate.

Response to Arguments

2. Applicant's arguments, see page 8-9, filed 9/15/05, with respect to the rejection(s) of claim(s) 46-72 under Mitchell-Pollack have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Mitchell-Busey.

Claim Rejections - 35 USC § 112

3. Claims 46-84 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It was unclear how the information associated to a waveform.

Claim Rejections - 35 USC § 101

4. Claims 46-84 are nonstatutory for failing to restrict the claimed invention to only tangible media. Note that the specification (page 18 lines 28-30) discloses the shape of waveform as a subject matter which not useful or failed to teach how to convert the wave form to haptic sensation.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 46-84 are rejected under 35 U.S.C. § 103 as being unpatentable over Mitchell et al [6,166,732] in view of Busey et al [Busey 5,764,916].

6. As per claim 46, Mitchell discloses a method comprising receiving user specified information from a user interface [Mitchell, selected by the user, col 8 lines 52-65]; including the user specified force information in a chat message [Mitchell, force feed back, sensation, col 12 lines 20-50; chat room, col 21 lines 45-63]; the user specified force information associated with a waveform [Mitchell, electrical signal, col 7 line 6]; and transmitting the chat message to a network [Mitchell, Internet, col 11 line 11

Mitchell also discloses a chat message or event notification with event trigger [Mitchell, event notification which trigger event, col 19 line 42-col 20 lines 65, Fig 15].

However Mitchell does not explicitly detail “the user-specified force information in a chat message (i.e.: event notification), the user-specified force information configured to cause a haptic sensation to be output when the chat message is delivered to a client machine”

Busey discloses a method for real time network chat wherein the message includes one or more instructions in HTML (or force information) cause a function to be output (or message display) the HTML instructions (or URL link, destination address) in the receiving chat client [Busey, abstract]

An Official Notice is taken that the email message with an event embedded was well-known in the art [see Hansen reference: *Enhancing documents with embedded programs*]

Therefore it would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate the message with information cause the output at the client machine as taught by Busey into the Mitchell's apparatus in order to utilize the haptic sensation with an event notification. Doing so would provide the chat users an efficient process to send the dynamic messages via chat session with haptic feedback data.

7. As per claims 56,62,68,76 contain the similar limitations set forth in claim 46. Therefore claims 56,62,68 are rejected for the same rationale set forth in claim 46.

8. As per claims 47,63 Mitchell-Busey disclose receiving user specified information via a chat interface as inherent feature of chat message.

9. As per claims 48,64 Mitchell-Busey disclose receiving a haptic effect selected from a plurality of haptic effects in the chat interface and associating the force information with the selected haptic effect [Mitchell, force feed back, sensation, col 12 lines 20-50; chat room, col 21 lines 45-63].

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10. As per claim 49, Mitchell-Busey disclose the plurality of haptic effects is graphically represented by a plurality of button or electronic signal / message as inherent features of haptic feedback sensations or effects [Mitchell, force feed back, sensation, col 12 lines 20-50; chat room, col 21 lines 45-63].
11. As per claims 50,65 Mitchell-Busey disclose associating the force information with a command input to the chat interface as inherent feature of chat message.
12. As per claims 51,66 Mitchell-Busey disclose the user specified force information includes a force command, the force command configured to instruct the output of the haptic sensation associated with the delivery of the chat message [Mitchell, force feed back, sensation, col 12 lines 20-50; chat room, col 21 lines 45-63].
13. As per claim 52, Mitchell-Busey disclose the force information includes a network address (i.e.: location), the network address being associated with a network location storing a library of haptic sensations as inherent feature of chat session [Mitchell, force feed back, sensation, col 12 lines 20-50; chat room, col 21 lines 45-63].
14. As per claim 53, Mitchell-Busey disclose the force information includes data characterizing the haptic sensation to be output.

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15. As per claims 54,60,67,72 Mitchell-Busey disclose including a sound information in the chat message, the sound information configured to cause an auditory effect to be output when the chat message is delivered to a client machine as inherent feature of chat session [Mitchell, force feed back, sensation, col 12 lines 20-50; chat room, col 21 lines 45-63].

16. As per claims 55,61 Mitchell-Busey disclose the network includes one of a local area network (LAN), a wide area network (WAN), a wireless network, a computer network, a telephone network, and the Internet.

17. As per claims 57,69 Mitchell-Busey disclose said directing the first signal to a haptic device, the first signal configured to cause the haptic device to output a haptic sensation associated with the chat message [Mitchell, force feed back, sensation, col 12 lines 20-50; chat room, col 21 lines 45-63]

18. As per claims 58,70 Mitchell-Busey disclose displaying the chat message [Mitchell, force feed back, sensation, col 12 lines 20-50; chat room, col 21 lines 45-63].

19. As per claims 59,71 Mitchell-Busey disclose extracting sound information from the chat message and generating a second signal associated with the sound information as inherent feature of chat session with force feedback [Mitchell, force feed back, sensation, col 12 lines 20-50; chat room, col 21 lines 45-63].

20. As per claim 65, Mitchell-Busey disclose code to associate the force information with a command input to the chat interface [Mitchell, force feed back, sensation, col 12 lines 20-50; chat room, col 21 lines 45-63].

21. As per claim 73, Mitchell-Busey disclose the user-specified force information comprises force-information associated with a user-specified icon attribute [Mitchell, force feed back, sensation, col 12 lines 20-50; chat room, col 21 lines 45-63].

22. As per claim 74, Mitchell-Busey disclose the waveform comprises a default waveform [Mitchell, electrical signal, col 7 line 6].

23. As per claim 75, Mitchell-Busey disclose the waveform represents speech data [Mitchell, electrical signal, col 7 line 6].

24. As per claim 77, Mitchell-Busey disclose receiving user-specified force information comprises receiving the user-specified force information via a chat interface [Mitchell, force feed back, sensation, col 12 lines 20-50; chat room, col 21 lines 45-63].

25. As per claim 78, Mitchell-Busey disclose receiving user-specified force information comprises receiving a haptic effect selected from a plurality of haptic effects in the chat interface and associating the user-specified force information with the

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selected haptic effect [Mitchell, force feed back, sensation, col 12 lines 20-50; chat room, col 21 lines 45-63].

26. As per claim 79, Mitchell-Busey disclose the plurality of haptic effects is graphically represented by a plurality of buttons [Mitchell, force feed back, sensation, col 12 lines 20-50; chat room, col 21 lines 45-63].

27. As per claim 80, Mitchell-Busey disclose associating the user-specified force information with a command input to the chat interface [Busey, abstract].

28. As per claim 81, Mitchell-Busey disclose the user-specified force information includes a force command, the force command configured to instruct the output of the haptic sensation associated with the delivery of the chat message [Mitchell, force feed back, sensation, col 12 lines 20-50; chat room, col 21 lines 45-63].

29. As per claim 82, Mitchell-Busey disclose the user-specified force information includes a network address, the network address being associated with a network location storing a library of haptic sensations [Mitchell, force feed back, sensation, col 12 lines 20-50; chat room, col 21 lines 45-63].

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30. As per claim 83, Mitchell-Busey disclose the user-specified force information includes data characterizing the haptic sensation to be output [Mitchell, force feed back, sensation, col 12 lines 20-50; chat room, col 21 lines 45-63].

31. As per claim 84, Mitchell-Busey disclose including a sound information in the chat message, the sound information configured to cause an auditory effect to be output when the chat message is delivered to a client machine [Mitchell, auditory perception, col 11 line 65 et seq.].

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Andrew Caldwell*, can be reached at (571) 272-3868. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval IPAIRI system. Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thong Vu
Primary Examiner
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